UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,566	02/27/2002	Shigeru Nakagawa	112103	5893

25944	7590	04/07/2006	

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EXAMINER
KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/083,566	NAKAGAWA ET AL.
	Examiner	**Art Unit**	
	Vivek D. Koppikar	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 February 2002</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>all received</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1.   Claims 1-25 have been examined in this application. This communication is the

first action on the merits. All received IDS statements in this case have been

acknowledged.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(b) the invention was patented or described in a printed
> publication in this or a foreign country or in public use or on sale in this country, more than one year prior to
> the date of application for patent in the United States.

3.   Claims 1-2, 4-14, 16-25 rejected under 35 U.S.C. 102(b) as being anticipated by

US Patent Number 5,797,134 to McMillan.

(A)   As per claim 1, McMillan teaches a vehicle insurance premium calculation

system (McMillan: Abstract) comprising:

        usage status detection means for detecting usage status of a vehicle (McMillan:

Col. 6, Ln. 43-54);

        data input means for inputting data relating to maintenance or management of said

vehicle (McMillan: Col. 6, Ln. 54-58); and

        insurance premium calculation means for calculating vehicle insurance premium

based on said inputted data and results of said detection (McMillan: Col. 10, Ln. 15-20).

(B)   As per claim 2, McMillan further comprising display means for displaying data

relating to said calculated insurance premium (McMillan: Col. 10, Ln. 41-44).

(C)   As per claim 4, in McMillan the insurance premium calculation means calculates

a vehicle insurance premium in real time in accordance with results of said detection and

fluctuations in data relating to maintenance or management of said vehicle (McMillan:

Col. 8, Ln. 26-31).

(D)   As per claim 5, in McMillan the insurance premium calculation means calculates

an expected vehicle insurance premium in accordance with results of said detection and

fluctuations in data relating to maintenance or management of said vehicle (McMillan:

Col. 6, Ln. 23-35).

(E)   As per claim 6, in McMillan a vehicle insurance premium calculation system

comprising an on-board apparatus, maintenance data management means, and a server

apparatus (McMillan: Abstract and Figure 4):

wherein said on-board apparatus comprises:

usage status detection means for detecting usage status of a vehicle (McMillan:

Col. 6, Ln. 50-54);

on-board sending means for sending at least data relating to said detected usage

status (McMillan: Col. 6, Ln. 50-54);

on-board reception means for receiving at least data relating to insurance

premiums (McMillan: Col. 10, Ln. 41-44); and

means for displaying said received data (McMillan: Col. 10, Ln. 41-44);

wherein said maintenance data management means comprises:

data input means for inputting at least data relating to maintenance or

management of said vehicle (McMillan: Col. 6, Ln. 54-58); and

data sending means for sending at least data relating to maintenance or management of said vehicle (McMillan: Col. 6, Ln. 62-64); and

wherein said server apparatus comprises:

server side reception means for receiving data relating to said usage status and data relating to said maintenance or management of vehicle (McMillan: Figure 4 and Col. 6, Ln. 48-56);

insurance premium calculation means for calculating vehicle insurance premiums based on said received data (McMillan: Col. 10, Ln. 5-13); and

server side sending means for sending data relating to said calculated insurance premiums to said on-board apparatus (McMillan: Col. 10, Ln. 41-44).

(F)   As per claims 7-11, these claims repeat features previously addressed in the rejection of claims 1-2 and 4-6, above, and are rejected on the same basis.

(G)   As per claim 12, in McMillan the insurance premium calculation step calculates a vehicle insurance premium in real time in accordance with results of said detection and fluctuations in data relating to maintenance or management of said vehicle (McMillan: Col. 8, Ln. 26-31).

(H)   As per claim 13, this claim repeats features previously addressed in the rejection of claim 4 and is rejected on the same basis.

(I)   As per claim 14, this claim repeats features previously addressed in the rejection of claim 6 and is rejected on the same basis.

(J)   As per claim 16, McMillan teaches a vehicle insurance premium calculation system, comprising:

operation status detection means for detecting how a vehicle is operated by a driver (McMillan: Col. 9, Ln. 3-16);

status detection means for detecting passenger activation status of protection equipment for passengers (McMillan: Col. 9, Ln. 3-16);

insurance premium calculation means for calculating vehicle insurance premiums based on results of said detection (McMillan: Col. 10, Ln. 5-44); and

display means for displaying said calculated vehicle insurance premium for said driver (McMillan: Col. 10, Ln. 41-44).

(K)   As per claims 17-20, these claim repeats features previously addressed in the rejection of claim 6 and are rejected on the same basis.

(L)   As per claim 21, McMillan teaches an On-board apparatus, comprising:

a processor (McMillan: Col. 6, Ln. 65-66);

a detector that detects usage status of a vehicle, connected to said processor (McMillan: Col. 6, Ln. 48-56);

a radio part that sends data from said detector or said processor, said radio part receiving data relating to insurance premiums, said radio part being connected to said processor (McMillan: Col. 6, Ln. 56-64);

a display connected to said processor (McMillan: Figure 4 and Col. 10, Ln. 41-44).

(M)   As per claims 22-25, these claims repeat features previously addressed in the rejection of claims 6 and 21 and are rejected on the same basis.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McMillan as applied to Claims 1 and 11, above, respectively, and in further view of US

Patent Number 6,157, 342 to Okude.

(A)   As per claims 3 and 15, McMillan does not teach or suggest a voice output means

for enabling voice output of data, however, this feature is well known in the art as

evidenced by Okude (Col. 4, Ln. 49-67). At the time of the invention, it would have been

obvious for one of ordinary skill in the art to have modified the method of McMillan with

the aforementioned feature from Okude with the motivation of providing an additional

means of communicating the insurance premium calculation to the user.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

US Patent Number 6,711,195 to Ukai and US Patent Application Number

2005/0091175 to Framer are directed towards system similar to that of the claimed

invention of the instant application.

7.   Any inquire concerning this communication or earlier communications from the

examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-

5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

Vivek Koppikar

4/3/2006

C. LUKE GILLIGAN
PATENT EXAMINER